

February 12, 2004

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.

- | | Item | Page | -2003 | (Comm. 6E-37) |
|----|-------------------------------------------------------------------------------------------------------------------------------|------|-------|----------------|
| a. | LARSON: Consolidation of Pesticide – Related Communications. (5-0) | | | |
| | Item | Page | -2003 | (Intro. 15-25) |
| b. | DALE: Guidelines for Approval of Waivers Pursuant to the Clean Air Indoor Air Act. (5-0) | | | |
| | Item | Page | -2003 | (Comm. 18E-7) |
| c. | DALE: Copy of Letter to Health Commissioner Re: NYS Clean Indoor Air Law. (5-0) | | | |
| | Item | Page | -2003 | (Comm. 20E-1) |
| d. | LARSON: Copy of Letter to Health Commissioner Re: NYS Clean Indoor Air Law. (5-0) | | | |
| | Item | Page | -2003 | (Comm. 20E-13) |
| e. | DALE: SEQR – Copy of Letter to Health Commissioner Re: NYS Clean Indoor Air Law. (5-0) | | | |
| | Item | Page | -2003 | (Comm. 22E-2) |
| f. | COUNTY EXECUTIVE: Evaluation of Pilot Phase of Cooperative Pesticide Notification Program. (5-0) | | | |
| | Item | Page | -2003 | (Comm. 24E-7) |
| g. | SWANICK: Copy of Letter to Onondaga County Commissioner of Health Re: Waivers from NYS Smoking Ban. (5-0) | | | |
| | Item | Page | -2003 | (Comm. 24M-4) |
| h. | ERIE LAWN & TREE APPLICATORS NOTIFICATION COMMITTEE: Comments Re: EC Pilot Neighbor Notification Program. (5-0) | | | |

- i. Item Page -2004 (Comm. 1D-17)
DEP: SEQR – Solicitation for Lead Agency Status EC Southtowns Wastewater Treatment Plant Disinfection System Modifications.
(5-0)
- j. Item Page -2004 (Comm. 1D-18)
DEP: SEQR – Solicitation for Lead Agency Status - Lackawanna Wastewater Treatment Plant Disinfection System Modifications.
(5-0)
- k. Item Page -2004 (Comm. 1E-45)
COUNTY EXECUTIVE: ECSD No. 2 – Bluffs Subtrunk Project – Contact Change Order No.1 - SICAR.
(5-0)
- l. Item Page -2004 (Comm. 1E-46)
COUNTY EXECUTIVE: ECSD No.3 – Sanitary Sewer Rehabilitation Creekside Subdivision, Contract 11BV – R & D Engineering – Change Order No.1.
(5-0)
- m. Item Page -2004 (Comm. 1E - 47)
COUNTY EXECUTIVE: ECSD No.6 – Engineering Service Agreements – Work Order PH-7 – Comm. 18E-41.
(5-0)
- n. Item Page -2004 (Comm. 1E - 49)
COUNTY EXECUTIVE: ECSD No.3 – EC Sewer Agency Report – Increase & Improvement of Facilities (2003) Sewer Rehabilitation.
(5-0)
- o. Item Page -2004 (Comm. 1M-2)
TOWN OF COLDEN: Certified Resolution Re: Support of Original Returnable Beverage Act of 1982.
(5-0)
- p. Item Page -2004 (Comm. 2M-3)
NYSDEC: Fact Sheet Re: Clean-Up Work at Scott Aviation, Town of Lancaster.
(5-0)
- q. Item Page -2004 (Comm. 4E-10)
COUNTY EXECUTIVE: EC Sewer Construction Projects Annual Change Order Report.
(5-0)

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|----|--------------------------------------------------------------------------------------------------------------------------------------|------|-------|---------------|
| | Item | Page | -2004 | (Comm. 4E-23) |
| r. | COUNTY EXECUTIVE: Semi-Annual Attendance Records – Board of Managers, ECSD's. (5-0) | | | |
| | Item | Page | -2004 | (Comm. 4E-66) |
| s. | COUNTY EXECUTIVE: EC Southtowns Sewage Treatment Agency & ECSD Nos. 1-6 Engineering Services Agreements. (5-0) | | | |
| | Item | Page | -2004 | (Comm. 4M-4) |
| t. | NYSDEC: Fact Sheet – Voluntary Clean-Up – Buffalo Business Park – 1800 Broadway. (5-0) | | | |
| | Item | Page | -2004 | (Comm. 4M-5) |
| u. | NYSDEC: Fact Sheet – Remedial Work at Leica, Inc., Eggert Road – Town of Cheektowaga. (5-0) | | | |
| | Item | Page | -2004 | (Comm. 4M-8) |
| v. | NYSDEC: Fact Sheet – Voluntary Clean-Up of National Fuel Gas, 249 West Genesee Street – City of Buffalo. (5-0) | | | |
| | Item | Page | -2004 | (Comm. 4M-9) |
| w. | NYSDEC: Fact Sheet – Update on Spaulding Composite Site, 310 Wheeler Street, City of Tonawanda. (5-0) | | | |
| | Item | Page | -2004 | (Comm. 4M-10) |
| x. | NYS COMPTROLLER: Copy of Town of Colden Application for Permission to Establish Water District. (5-0) | | | |
| | Item | Page | -2004 | (Comm. 4M-17) |
| y. | NYS DEPARTMENT OF HEALTH: Health Consultation – Off-Site Residential Properties – Former NL Industries Site - Depew. (5-0) | | | |
| 2. | Item | Page | -2003 | (Intro. 7-7) |
| | SCHROEDER | | | |

WHEREAS, each day truckloads of New York city garbage roll through the narrow streets of the Clinton-Bailey neighborhood of the City of Buffalo, and

WHEREAS, hundreds of tons of New York City garbage sit and have for some time sat in rail cars in and around the railyard adjacent to the Clinton- Bailey neighborhood, and

WHEREAS, many of the neighbors in the area effected by this blight have organized to fight for their health and the health of their neighborhood, and

WHEREAS, as the weather warms the fowl odor of the imported filth spreads and is more and more a nuisance to the people of the neighborhood, and

WHEREAS, the residents have reported increased incidences of crows and seagulls in their neighborhood as a result of the garbage, and

WHEREAS, Buffalo Common Councilman David Franczyk has been working diligently on this issue since it emerged, and

WHEREAS, the New York State Department of Environmental Conservation has demanded that the responsible parties stop their activities which are detrimental to the neighborhood, and

WHEREAS, the New York State Department of Environmental Conservation continues to press forward on this issue, and

WHEREAS, the Erie County Health Department and the New York State Attorney General's Office have joined the effort to stop this pollution

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby commend Mary Tabor and the other residents of the Clinton-Bailey neighborhood for standing up to these polluters, and be it further

RESOLVED, that the Legislature does commend the New York State Department of Environmental Conservation, and specifically Mr. Mark J. Hans, P.E. and Mr. Henry Sandonato, for giving this issue the high level of attention it deserves, and be it further

RESOLVED, that the Legislature commends the Erie County Health Department, and the Office of the New York State Attorney General for joining

the effort to save this neighborhood, and thanks Buffalo Common Councilmember David Franczyk for his leadership on this issue, and be it further

RESOLVED, that the Clerk of the Legislature is hereby instructed to send certified copies of this resolution to Mary Tabor (148 Scoville Ave., Buffalo, NY 14206), Henry Sandonato and Mark J. Hans, P.E. (NYS DEC, 270 Michigan Ave., Buffalo, NY 14203), Erie County Health Commissioner Dr. Anthony J. Billitier IV, M.D., FACEP, Hon. David Franczyk (City Hall, Room 1412, Buffalo, NY 14202) and NYS Attorney General Eliot Spitzer (107 Delaware Ave., Buffalo, NY 14202).

FISCAL IMPACT: None for Resolution
(5-0)

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|----|-------------------------|------|-------|---------------|
| 3. | Item | Page | -2003 | (Comm. 16E-9) |
| | COUNTY EXECUTIVE | | | |

WHEREAS, the Erie County Sewer District No.2 Board of Managers has authorized the construction of a sewer for Lakeview Road and North Creek Road in the Town of Hamburg in order to provide sewer service; and

WHEREAS, it has been determined that it may be necessary to commence Eminent Domain Proceedings to acquire the necessary easements to complete the project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Attorney be authorized and is hereby directed to commence Eminent Domain Proceedings pursuant to Chapter 839 of the Laws of 1977 to acquire easement interests for sewer purposes in connection with the lands listed below:

| <u>ECSD NO.</u> | <u>PARCEL NO.</u> | <u>TOWNSHIP</u> |
|-----------------|-------------------|-----------------|
| 2 | 193.00-4-11 | Hamburg |
| 2 | 193.00-4-34 | Hamburg |
| 2 | 193.00-4-36 | Hamburg |

and be it further

RESOLVED, that certified copies of this resolution be sent to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning, Nancy A. Naples, County Comptroller, Gregory J. Dudek, Assistant County Attorney, and Joseph Passafiume, Director, Budget, Management and Finance.
(5-0)

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|----|-------------------------|------|-------|-------------------------------------|
| 4. | Item | Page | -2003 | AS AMENDED (Comm. 20E-41) |
| | COUNTY EXECUTIVE | | | |

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No.3 of the County of Erie, New York, has heretofore been established and created on April 9, 1963 (the "District") to provide sewer services to the Village of Orchard Park, most of the Town of Orchard Park, and parts of the Towns of West Seneca and Hamburg; and

WHEREAS, since the 1970s extensions to the District known as the Boston Valley, Armor-McKinley, Blasdell and Holland Extensions were formed; and

WHEREAS, the District and all extensions thereof were consolidated in 2003; and

WHEREAS, the Board of Managers of the District has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of the District on December 10, 2003 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District, consisting of the reconstruction and/or replacement of approximately 24,500 linear feet of sewer, various pump station upgrades and reconstruction; and the installation and acquisition of process equipment, pumps, meters, controls, lab equipment, and plant reconstruction, as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$5,000,000, to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewers units in the District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Sewer District No.3; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the construction of said increase and improvement of facilities of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$8.00 for the Town of Hamburg, \$9.35 for the Town of Orchard Park, \$8.40 for the Town of West Seneca, \$6.40 for the Town of Holland, \$9.98 for the Town of Elma, \$9.00 for the Town of Boston, and \$8.55 for the Town of Eden; and

WHEREAS, it is now desired to call a public hearing to consider said increase and improvement in accordance with the provisions of Section 254 of the County Law; NOW,

THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street. 2nd Floor. Part 6. Buffalo, New York, in said County, on the 4th day of March 2004, at 1:30 clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposed increase and improvement of facilities of Erie County Sewer District No.3 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street. 2nd Floor. Part 6. Buffalo, New York, in said County, on the 4th day of March 2004, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed increase and improvement of facilities of Erie County Sewer District No.3 in said County.

The increase and improvement of such facilities consisting of the reconstruction and/or replacement of approximately 24,500 linear feet of sewer, various pump station upgrades and reconstruction; and the installation and acquisition of process equipment, pumps, meters, controls, lab equipment, as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Board of Managers of Erie County Sewer District No.3 on December 10, 2003 (the "Report").

The maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$5,000,000, to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewers units in the District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Sewer District No.3.

The expenditures for such additional increase and improvement of facilities will not cause additional costs for property owners in the District for hook-up fees, and the annual cost of such expenditures to the Typical Property (as defined in the County Law) is \$8.00 for the Town of Hamburg, \$9.35 for the Town of Orchard Park, \$8.40 for the Town of West Seneca, \$6.40 for the Town of Holland, \$9.98 for the Town of Elma, \$9.00 for the Town of Boston, and \$8.55 for the Town of Eden. The County Legislature has heretofore caused to be prepared and filed for public inspection with the Clerk of the Erie County Legislature, a detailed explanation of how such costs were computed, as incorporated in said report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning).

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in the "Amherst Bee" and in the "Front Page", the official newspapers of said County, and in "Hamburg Sun" a newspaper of general circulation, not less than ten nor more than twenty days before the date set herein for said public hearing. The Clerk is hereby further authorized and directed to file a certified copy of the Notice of Public Hearing with the Comptroller of the State of New York on or about the date of the publication of the Notice of Public Hearing.

Section 4. This resolution shall take effect immediately.

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Charles J. Alessi, Deputy Commissioner, Department of Environment and Planning, Nancy Naples, Erie County Comptroller, Joseph Passafiume, Director, Budget, Management and Finance, and Gregory J. Dudek, Assistant County Attorney.
(5-0)

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|----|-------------------------|------|-------|-------------------------------------|
| 5. | Item | Page | -2003 | AS AMENDED (Comm. 22E-17) |
| | COUNTY EXECUTIVE | | | |

WHEREAS, the Board of Managers for Erie County Sewer Districts Nos. 1, 2, 3, 4, 5 & 6 have a system of Sewer District User Charges or Fees; and

WHEREAS, the Boards have requested and are desirous of collecting said User Charges or Fees in 2004 for properties in the same manner and fashion as the regular sewer district taxes as has been done in the past year.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized and directed to spread said 2004 Sewer District User Charges or Fees against properties within Erie County Sewer District Nos. 1, 2, 3, 4, 5, & 6 liable therefore as provided by law; and be it further

RESOLVED, that the following amounts be collected:

| | |
|--------------------------|-----------------------|
| Sewer District #1 | \$ 342,292.33 |
| Sewer District #2 | \$ 136,871.67 |
| Sewer District #3 | \$ 690,890.48 |
| Original District | |
| Armor McKinley Extension | |
| Boston Valley Extension | |
| Holland Extension | |
| Blasdell Extension | |
| Sewer District #4 | \$ 339,779.86 |
| Sewer District #5 | \$ 193,911.00 |
| Sewer District #6 | <u>\$1,212,927.36</u> |
| | \$2,916,672.70 |

and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to Charles J. Alessi, P.E., Deputy Commissioner; Nancy Naples, Erie County Comptroller; Joseph Maciejewski, Deputy Commissioner, Real Property; Gregory Dudek, Assistant County Attorney and Joseph Passafiume, Director of Budget, Management and Finance
(5-0)

6. Item Page -2003 (Comm. 25E-13)

COUNTY EXECUTIVE

WHEREAS, authorization to create four Seasonal Laborer positions in the Division of Sewerage Management has been requested; and

WHEREAS, the Division has found the need to create the positions to assist the current engineering staff with necessary technical assistance required to complete ongoing planning, sewer design, GIS and energy savings projects.

NOW, THEREFORE, BE IT

RESOLVED, the creation of four seasonal positions in the Division of Sewerage Management is hereby approved; and be it further

RESOLVED, that the funding for the four seasonal positions be allocated from the Fund Balance Accounts in Erie County Sewer District Nos. 1-6 and the Southtowns Sewage Treatment Agency in the 2004 Budget for the Division of Sewerage Management by the Director of Budget, Management and Finance as follows:

- Erie County Sewer District 1, 4 and 5 Fund Balance:
District No.1 220 851 811 698 105 Use of Fund Balance \$2,935;

District No.4 220 851 812 698 105 Use of Fund Balance \$2,935;
District No.5 220 851 813 698 105 Use of Fund Balance \$2,934;
- Erie County Sewer District 2 Fund Balance:
District No.2 220 852 821 698 105 Use of Fund Balance \$8,804;
- Erie County Southtowns Fund Balance:
Southtowns 220 853 831 698 105 Use of Fund Balance \$4,402;
- Erie County Sewer District No.3 Fund Balance:
District No.3 220 853 832 698 105 Use of Fund Balance \$4,402;
- Erie County Sewer District No.6 Fund Balance:
District No.6 220 854 840 698 105 Use of Fund Balance \$8,804;
- Erie County Division of Sewerage Management:
220 855 850 800 Personal Services \$30,624
220 855 850 805 Fringe Benefits \$4,592;

and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send certified copies of the approved Resolution to Charles J. Alessi, Deputy Commissioner, Department of Environment and Planning, the Erie County Personnel Department and the Erie County Budget Office.

(5-0)

7. Item Page -2003 (Comm. 25E-25)

COUNTY EXECUTIVE

WHEREAS, Erie County/ Erie County Sewer District No.6 herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Disinfection System and Energy Performance Project and identified as CWSRF Project No. 6650-09, (Capital Project No. 430-914-840), herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the CWSRF Act), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY THE ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.
2. The following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application for CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE
(Authorized Representative)

The ERIE COUNTY COMPTROLLER
(Chief Fiscal Officer)

3. The official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both.
4. That the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County Attorney.
5. This Resolution shall take effect immediately.

(5-0)

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| 8. | Item | Page | -2003 | AS AMENDED (Comm. 25E-26) |
| | COUNTY EXECUTIVE | | | |

WHEREAS, Erie County/ Erie County Sewer District No.6 herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Holland Avenue Sanitary Sewer and identified as CWSRF Project No. 6650-10, (Capital Project No. 430-111-840), herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the CWSRF Act), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY THE ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.
2. The following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application for CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE
(Authorized Representative)

The ERIE COUNTY COMPTROLLER
(Chief Fiscal Officer)

3. The official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both.
4. That the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County Attorney.
5. This Resolution shall take effect immediately.

(5-0)

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| 9. | Item | Page | -2003 | AS AMENDED (Comm. 25E-27) |
| | COUNTY EXECUTIVE | | | |
| | WHEREAS, Capital Project 430 507, ECSD No.5 Increase to Facilities No.2 will be closed out in 2003; and | | | |

WHEREAS, there is ~ cash balance of \$455,382.40 as of December 31, 2003; and

WHEREAS, there is a debt service balance of \$283,890.84 remaining for this project; and

WHEREAS, the use of said cash will have no impact on the approved 2004 Budget.

NOW, THEREFORE, BE IT

RESOLVED, that \$283,890.84 be transferred to the Debt Service Fund to satisfy the remaining outstanding debt; and be it further

RESOLVED, that the remaining cash balance of \$171,491.56 and any additional accrued interest be transferred into Erie County Sewer District No. 5's Operating Fund Balance; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to' send certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Nancy Naples, Erie County Comptroller, Joseph Passafiume, Director, Budget and Management, and Gregory Dudek, Assistant County Attorney.
(5-0)

10. Item Page -2003 (Comm. 25E-28)

COUNTY EXECUTIVE

WHEREAS, Capital Project 430 514, Armor McKinley, Boston Valley Interceptor (1977) will be closed out in 2003; and

WHEREAS, there is a cash balance of \$545,014.79 as of September 30, 2003; and

WHEREAS, there is a debt service balance of \$5,299,350.09 remaining for this project; and

WHEREAS, the use of said cash will have no impact on the approved 2003 Budget.

NOW, THEREFORE, BE IT

RESOLVED, Capital Project 430 514 be closed and that \$545,014.79 and any additional accrued interest be transferred to the Debt Service Fund to satisfy the remaining outstanding debt; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Nancy Naples, Erie County Comptroller, Joseph Passafiume, Director, Budget and Management, and Gregory Dudek, Assistant County Attorney.
(5-0)

11. Item Page -2003 (Comm. 25E-29)

COUNTY EXECUTIVE

WHEREAS, Capital Project 430 526, 1987 Increase and Improvements will be closed out in 2003; and

WHEREAS, there is a cash balance of \$50,523.54 as of September 30, 2003; and

WHEREAS, there is a debt service balance of \$383,208.00 remaining for this project; and

WHEREAS, the use of said cash will have no impact on the approved 2003 Budget.

NOW, THEREFORE, BE IT

RESOLVED, Capital Project 430 526 be closed and that \$50,523.54 and any additional accrued interest be transferred to the Debt Service Fund to satisfy the remaining outstanding debt;

and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Nancy Naples, Erie County Comptroller, Joseph Passafiume, Director, Budget and Management, and Gregory Dudek, Assistant County Attorney.
(5-0)

12. Item Page -2003 (Comm. 25E-30)

COUNTY EXECUTIVE

WHEREAS, Capital Project 430 534, Meadow Lakes Extension 1991, will be closed out in 2003; and

WHEREAS, there is a cash balance of \$44.00 as of September 30, 2003; and

WHEREAS, there is a debt service balance of \$1,977,879.98 remaining for this project; and

WHEREAS, the use of said cash will have no impact on the approved 2003 Budget.

NOW, THEREFORE, BE IT

RESOLVED, Capital Project 430 534 be closed and that \$44.00 and any additional accrued interest be transferred to the Debt Service Fund to satisfy the remaining outstanding debt; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Nancy Naples, Erie County Comptroller, Joseph Passafiume, Director, Budget and Management, and Gregory Dudek, Assistant County Attorney.
(5-0)

13. Item Page -2004 (Comm. 1D-8)

COUNTY EXECUTIVE

WHEREAS, The County Legislature of the County of Erie, New York, has heretofore duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed modification of plans for the increase and improvement of the facilities for County Sewer District No.5 authorized by the County Legislature, which report and estimate of cost have been filed with the County Legislature pursuant to Section 253-b of the County Law; and

WHEREAS, such report and estimate of cost have been approved by the Erie County Sewer Agency pursuant to a written report dated October 28, 2003, which has also been filed with said County Legislature; and

WHEREAS, said report and estimate of cost describe a proposed modification of plans for such increase and improvement of the facilities of Erie County Sewer District No.5 in said County, consisting of the construction and installation of approximately 1,620 linear feet of 8" gravity sewer installed from the existing Sisters of St. Joseph's treatment plant's wet well to the Town of Clarence's proposed sanitary sewer on Hillcrest Drive; and the construction and installation of approximately 2,260 linear feet northerly on Hillcrest Drive to the Town of Clarence's trunk sewer on Greiner Road, all as more fully described in the report and estimate of cost herein referred to; and

WHEREAS, the maximum estimated cost of the aforesaid design, engineering, and construction of the facilities of said Sewer District is \$200,000, to be assessed against a benefited area which consists of the Sisters of St. Joseph Extension of said Sewer District No.5, all in accordance with their respective proportionate shares of equalized assessed value in the District; and

WHEREAS, said County Legislature duly adopted Resolution 596 on the 13th day of November, 2003, calling a meeting of the County Legislature for the purpose of holding a public hearing to consider said modification of plans for such increase and improvement of facilities in accordance with the provisions of Section 253-b of the County Law; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 2nd Floor, Part 6, New York, in said County, on the 11th day of December, 2003, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in substantially the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature had duly considered the evidence given at such public hearing;

NOW, THEREFORE, BE IT

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to modify the plans for such increase and improvement of the facilities of Erie County Sewer District No.5 in the County of Erie, New York, all as more fully described in the preambles hereof, and such modification of plans for the increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$200,000.

Section 2. The cost of the proposed modification expenditure is to be assessed against a benefited area which consists of the Sisters of St. Joseph Extension of said Sewer District No.5.

Section 3. This resolution shall take effect immediately.
(5-0)

14. Item Page -2004 (Comm. 1E-7)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature does hereby confirm the appointment of John J. Mills of 80 Highland Avenue, Orchard Park, NY 14127 to the Erie County Sewer District Board #3 for a term to expire December 31, 2005.
(5-0)

15. Item Page -2004 (Comm. 1E-19)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature does hereby confirm the appointment of Thomas M. Batt, P.E. of 2 Lakeside Crescent, Lancaster, NY 14086 to the Erie County Sewer District Board #4 for a term to expire December 31, 2005 as a replacement for Edward Pryce.
(5-0)

16. Item Page -2004 (Comm. 1E-36)

COUNTY EXECUTIVE

WHEREAS, in a resolution being Comm. No. 13E-47, dated July 10, 2003, your Honorable Body authorized entering into a contract with Siemens Building Technologies related to instituting Performance Contracting on the Sheriff's facilities and two health care facilities, and

WHEREAS, in a resolution, being Resolution 476-2003, dated July 10, 2003, authorized the sale of a bond in the amount of \$3,500,000 to pay for that work, and

WHEREAS, the Department of Public Works wishes to hire C.J. Brown Energy, P.C. to assist in implementing the Performance Contract on this facility,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes a change order be made to C.J. Brown Energy, P.C. for up to \$75,000 for their work in implementing the construction phase of a Performance Contract on these buildings, and be it further,

RESOLVED, that two certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner; one copy to the Director of Budget Management and Finance; and one to the Office of the Comptroller.

(5-0)

17. Item Page -2004 (Comm. 4E-4)

COUNTY EXECUTIVE

WHEREAS, a capital project "in the amount of \$3,000,000 was established in communication 9E-66 (2003) for renovation and construction of parks facilities for the first phase of implementing the recommendations of the Erie County Parks System Master Plan, and

WHEREAS, funds were made available in the capital project for the development of an Erie County Forest Management Plan (the Plan), and

WHEREAS, the Plan adheres to the highest standards and guiding principles governing proper forest management practices, and issues recommendations based on sound biological, economic, recreational, educational, and public safety considerations, and

WHEREAS, the objectives of the Plan include creating educational opportunities, utilizing forestry resources for scientific experiments in ecology and forestry, putting forest products to good use in County and other public projects, reducing taxes through the sale of lumber products, providing for water resources protection, wildlife habitat enhancement, fire protection and encouraging/ enhancing recreational use, and

WHEREAS, preparation of the Plan included participation by a broad spectrum of community and governmental entities including: Earth Spirit Educational Services Inc., the Erie County Soil and Water Conservation District, the New York State Department of Environmental Conservation, SUNY at Buffalo's Environmental Science and Studies Program, the USDA Natural Resources Conservation Service and the Erie County Department of Parks, Recreation and Forestry, and

WHEREAS, the study recommends the selective harvesting of timber on a scheduled basis to produce moderate income over a long period of time, and

WHEREAS, the most effective and economical means of realizing the goals and objectives of the Plan requires the addition of full- time staff,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Erie County Forest Management Plan entitled, "Creating Sustainable Forests in Erie County for the 21st Century," and be it further

RESOLVED, that in order to implement the recommendations of the Plan relative to harvest potential, wildlife habitat, soil/watershed protection, and educational and recreational opportunity, it is necessary to create three full-time positions of Parks Maintenance Worker I, job group 3, which are hereby authorized in the 2004 Adopted Budget of the Bureau of Forestry, and be it further

RESOLVED, that the following budgetary transactions are hereby approved:

2004 Adopted Budget -Bureau of Forestry

Appropriations

| <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|----------------|-----------------------------|---------------|
| 800 | Personal Services | \$75,000 |
| 805 | Fringe Benefits | 22,500 |
| 824 | Travel & Mileage (Training) | 1,000 |
| | Total Appropriations | \$98,500 |

Revenue

| <u>Account</u> | | <u>Amount</u> |
|----------------|-------------------------|---------------|
| | Sale of Forest Products | \$98,500 |
| | Total Revenue | \$98,500 |

And be it further

RESOLVED, that certified copies of this resolution should be forwarded to the Commissioner of Parks, Recreation and Forestry, the Director of Budget, Management and Finance, the Commissioner of Personnel and the County Comptroller.

(5-0)

18. Item Page -2004 (Comm. 4E-13)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning administers the federal Community Development Block Grant (CDBG) Program on behalf of thirty-four municipalities comprising the Erie County Community Development Consortium; and

WHEREAS, said Consortium receives approximately \$3,200,000 annually from the United States Department of Housing and Urban Development; and

WHEREAS, said funds must primarily benefit low and moderate income households within the Consortium; and

WHEREAS, the Consortium municipalities are desirous of having access to a professional planning firm having skill in household income survey techniques which can be utilized to determine the CDBG eligibility of certain proposed projects,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a second amendatory agreement to the July 3, 2000 contract, as amended March 20, 2002, with Stuart I. Brown Associates, Inc., increasing the authorized amount from \$30,000 to \$35,000 for the purpose of undertaking household income surveys within neighborhoods comprising the Erie County Community Development Block Grant Consortium; and be it further

RESOLVED, that certified copies of the resolution shall be forwarded to the Commissioner of the Department of Environment and Planning and the County Comptroller.

(5-0)

19. Item Page -2004 (Comm. 4E-25)

COUNTY EXECUTIVE

WHEREAS, in a resolution being Comm. No. 4E-32, dated March 6, 2003, your Honorable Body authorized entering into a contract with Chevron Energy Services Company related to instituting Performance Contracting on the Rath Building, and

WHEREAS, in a resolution, being Resolution 488-2002, dated December 12, 2002, authorized the sale of a bond in the amount of \$1,840,000 to pay for that work, and

WHEREAS, the Department of Public Works wishes to hire C.J. Brown Energy, P.C. to assist in implementing the Performance Contract on this facility,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes a change order be made to C.J. Brown Energy, P.C. for up to \$45,000 for their work in implementing the Construction Phase of a Performance Contract on the Rath Building, and be it further,

RESOLVED, that funding for this project be taken from Project 379, Fund 410, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller.

(5-0)

20. Item Page -2004 (Comm. 4E-44)

COUNTY EXECUTIVE

WHEREAS, the United States Environmental Protection Agency -Great Lakes National Program Office (U.S. EPA - GLNPO) provides grant assistance to implement pollution prevention projects; and

WHEREAS, in February of 2003, the Erie County Department of Environment and Planning (DEP) developed and submitted a proposal for funding from U.S. EPA - GLNPO to implement a Dental Waste Management Program; and

WHEREAS, on September 25, 2003, the U.S. EPA - GLNPO granted approval of the application allocating funding of \$30,000 over an eighteen-month period for a Dental Waste Management Program to be implemented in Erie County; and

WHEREAS, the required County match will be met through indirect expenses and in-kind staff time contributions.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is authorized to enter into the necessary agreements with the U.S. EPA - GLNPO to accept and implement the Dental Waste Management Program in an amount not to exceed \$30,000 in grant resources; and be it further

RESOLVED, that the revenue from the Dental Waste Management Program is hereby appropriated in the grant as follows:

REVENUE:

| | | |
|-----|--------------------------------------------------------------------------------------------------|------------------|
| 641 | Federal Aid -United States Environmental Protection Agency - Great Lakes National Program Office | \$30,000 |
| | TOTAL REVENUE | \$ 30,000 |

APPROPRIATIONS:

| | | |
|-----|--------------------------|--------------|
| 800 | Personnel Services | \$ 15,000 |
| 805 | Fringe Benefits | 4,000 |
| 810 | Office Supplies | 200 |
| 824 | Local Travel and Mileage | 200 |
| 825 | Out-of-Area Travel | 600 |
| 826 | Other Expenses | 2,500 |
| 830 | Contractual Services | <u>7,500</u> |

TOTAL APPROPRIATIONS **\$ 30,000**

and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

(5-0)

21. Item Page -2004 (Comm. 4E-57)

COUNTY EXECUTIVE

WHEREAS, the Department of Environment and Planning has determined that the existing sewer on Route 5 in Erie County Sewer District No.2 is on the verge of collapsing and requires immediate emergency repairs and failure to complete the remediation work on the sanitary sewer would be subjecting the County to potential sanitary sewer overflows, environmental fines and higher costs.

NOW, THERFORE, BE IT

RESOLVED, that Change Order No.1 to Contract No. 58EV/H with Sicar Inc., dated July 1, 2003, be approved subject to approval by the Department of Environment and Planning in an amount not to exceed \$179,130.90; and be it further

RESOVLED, that the Department of Environment and Planning, Division of Sewerage Management is hereby directed to execute and process Change Order No.1, subject to certification of availability of funds from the project fund balance by the Comptroller's Office; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to allocate \$179,130.90 from Sewer Capital, ECSD No.2, Fund No. 430, Project No. 340 for payment of this change order; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, one (1) certified copy to the Erie County Comptroller's Office and one (1) certified copy to Gregory Dudek, Assistant County Attorney.

(5-0)

22. Item Page -2004 (Comm. 4E-71)

COUNTY EXECUTIVE

WHEREAS, the Department of Environment and Planning has requested that the position of Sewer Inspector PT, Job Group 9 be created in the Division of Sewerage Management to assist with the recent Sewer District Expansions; and

WHEREAS, there are adequate funds in Unexpended Salaries to fund the new position.

NOW, THEREFORE, BE IT

RESOLVED, that the creation of the position Sewer Inspector PT, Job Group 9, at a salary of \$22,291.00 in the Division of Sewerage Management be approved; and be-it further

RESOLVED, the newly created position will be funded through the Sewer Fund Unexpended Salaries; and be it further

RESOLVED, that certified copies of the approved resolution be sent to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, the Erie County Personnel Department; Joseph Passafiume of the Erie County Budget Office and Nancy Naples, Erie County Comptroller.

(5-0)

RAYMOND DUSZA
CHAIRMAN